[Sri R. Venkataraman] [24th January 1964

MR. CHAIRMAN : The question is :

' That the Motor Vehicles (Madras Amendment) Bill, 1964 (L.A. Bill No. 1 of 1964), as passed by the Assembly, be taken into consideration '.

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 5 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI R. VENKATARAMAN : Sir, I move—

' That the Motor Vehicles (Madras Amendment) Bill, 1964 (L.A. Bill No. 1 of 1964), as passed by the Assembly, be passed '.

MR. CHAIRMAN : The question is :

' That the Motor Vehicles (Madras Amendment) Bill, 1964 (L.A. Bill No. 1 of 1964), as passed by the Assembly, be passed.'

The motion was put and carried and the Bill was passed.

(3) THE MADRAS (ADDED TERRITORIES) EXTENSION OF LAWS BILL, 1963 (L.A. BILL NO. 29 OF 1963).

* THE :ON. SRI R. VENKATARAMAN : Mr. Chairman, I

11-20 a.m. move—

" That the Madras (Added Territories) Extension of Laws Bill,[a] 1963 (L.A. Bill No. 29 of 1963), as passed by the Assembly, be taken into consideration."

Sir, the Bill seeks to secure uniformity in respect of certain laws that are in force in the rest of the State and those that are in force in the territories that are generally known as the "Tiruttani area". The said area was transferred to this State from the State of Andhra Pradesh under the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959). But, before the formation of the State of Andhra in Octo- of 1953). However, the said laws have been modified either by Madras. Accordingly, all the laws that were in force in the composite State of Madras immediately before the formation of the State of Andhra continue to apply to the Tiruttani area by virtue of section 53 of the Andhra State Act, 1953, (Central Act XXX of 1953). However, the said laws have been modified either by way of repeal or by way of amendment by the Legislature of the State of Andhra or Andhra Pradesh to the extent they were in force in the Tiruttani area and by the Legislature of this State to the extent they were in force in the rest of this State. For instance, the Madras Prohibition Act, 1937 (Madras Act X of 1937) included in the First Schedule to this Bill was amended by the Andhra Pradesh Legislature to the extent of its applicability in the Tirutani area

[a] Printed as Appendix IV on pages 44-50.

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and by the Legislature of this State to the extent of its applicability in the rest of this State. Besides those laws, certain new enactments have also been passed by the respective Legislatures. For instance, the Madras Irrigation Works (Construction of Field Bothies) Act, 1959 (Madras Act 25 of 1959) included in the First Schedule to the Bill was enacted by this Legislature subsequent to October 1953. Similarly, the Andhra and Andhra Pradesh enactments specified in the Third and Fourth Schedules to the Bill were enacted by those Legislatures subsequent to October 1953.

For the sake of avoiding the hardships that have been caused to the public of the Tiruttani area by the different sets of laws that are in force in that area and in the rest of the State and for administrative convenience, it is considered essential that the laws in force in both the areas are made uniform. Accordingly, all the laws that are in force in the Tiruttani area and those that are in force in the rest of the State are being examined and legislation has been undertaken from time to time since the alteration of boundaries either by way of separate enactments or by way of a consolidated Bill as in the instant case to secure uniformity.

The proposals for unification included in the present Bill have been explained in detail in the Statement of Objects and Reasons appended to the Bill and the provisions of the Bill do not, therefore, call for any special remarks.

I move that the Bill be taken into consideration.

Mr. CHAIRMAN : Motion moved—

"That the Madras (Added Territories) Extension of Laws Bill, 1963 (L.A. Bill No. 29 of 1963), as passed by the Assembly, be taken into consideration."

Sri K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, I welcome this Bill which has been brought forward for the purpose of securing uniformity. But I want to refer to two things. One is the Treasure Trove Act. The other is the substitution of the words "District Magistrate" for the words "District Collector" in section 5 of the Police (Incitement to Disaffection) Act, 1922. The expressions in the corresponding Andhra Pradesh Acts seem to be reasonable and proper. For example, in the Treasure Trove Act, it is stated that the notice to be given should mention not only the place but also the circumstances in which the treasure was discovered. That is a proper and necessary provision. Now, in order to secure uniformity as regards the rest of the State, they want it to be amended. On the other hand, I feel that the expression in the Andhra Pradesh Act is necessary.

The second thing is this. In regard to the Police (Incitement to Disaffection) Act, according to the Andhra Pradesh Act, the sanction of the District Collector is required. Because we

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have the separation of the Judiciary from the Executive, it does not mean that we should not follow it. For the purpose of securing uniformity, they want to restore the expression " District Magistrate ". I think it is the proper function of the District Collector. The Magistrate has nothing to do with it. What the Andhra Pradesh Act has done seems to be quite proper.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, I am grateful to the hon. Member Sri Balasubramanya Ayyar for the very kind suggestions he made. He has always been of great assistance to this House as he goes through all these legislative measures very carefully and offers very valuable suggestions. So far as the first suggestion is concerned, namely, that the notice under the Treasure-trove Act should mention not only the place where the treasure is discovered but also the circumstances under which it is discovered, I shall have the suggestion examined. The question was examined by the Board of Revenue and they recommended that it was not necessary to include the circumstances under which the treasure was discovered. However, in the light of the observations made by the hon. the Deputy Leader of the Opposition, I shall have this point examined further.

As regards the other question, namely, whether the District Magistrate or the District Collector should give sanction in these cases, the principle we have followed is that as we have separated the Judiciary from the Executive, this function may very properly be given to the District Magistrate. Therefore, I think the present provisions are fairly satisfactory, but in the working of it, if any difficulty arises, Government will always look into it.

I am grateful to Sri Balasubramanya Ayyar once again for having thoroughly gone into this Bill and offered his suggestions.

MR. CHAIRMAN : The question is—

" That the Madras (Added Territories) Extension of Laws Bill, 1963 (L.A. Bill No. 29 of 1963), as passed by the Assembly, be taken into consideration ".

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 15 and the First, Second, Third and Fourth Schedules were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, I move—

" That the Madras (Added Territories) Extension of Laws Bill, 1963 (L.A. Bill No. 29 of 1963), as passed by the Assembly, be passed."

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MR. CHAIRMAN : The question is—

"That the Madras (Added Territories) Extension of Laws Bill, 1963 (L.A. Bill No. 29 of 1963), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

V—GOVERNMENT RESOLUTIONS.

(1) RESOLUTION *re* WARHOUSING CORPORATION.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, on behalf of my Hon. Colleague Sri N. S. S. Manradiar, I move the following Resolution :— 11-30 a.m.

'Whereas the Central Warehousing Corporation and the State Warehousing Corporation established under the Warehousing Corporations Act, 1962 (Central Act 58 of 1962), are empowered to run warehouses for the storage of agricultural produce, seeds, manures, fertilizers, agricultural implements and any notified commodity, being commodities with respect to which Parliament has power to make laws by virtue of Entry 33 of List III (Concurrent List) in the Seventh Schedule to the Constitution of India;

And whereas it appears to this Council to be desirable that legislation should be undertaken to enable the said Corporations to store in their warehouses other commodities also in addition to those mentioned in the aforesaid Central Act;

And whereas legislation for the purpose mentioned above is relatable to matters enumerated in Entry 26 and Entry 27 of List II (State list) of the Seventh Schedule to the Constitution of India with respect to which Parliament has no power to make a law for the States except as provided in Articles 249 and 250 thereof;

And whereas it appears to this Council to be desirable that such legislation should be undertaken by Parliament;

Now, therefore, in pursuance of clause (1) of Article 252 of the Constitution of India. this Council hereby resolves that storage of commodities other than those covered by the Warehousing Corporations Act, 1962 (Central Act 58 of 1962), in the warehouses run by the Corporations established under that Act shall, in this State, be regulated by an Act of Parliament."

Sir, I may briefly explain the point. Under the present Act the Corporation can store only agricultural produce such as seeds, manures, fertilizers, implements, etc. There have been repeated suggestions from the people here as also elsewhere that they should be allowed to store commodities like tobacco, lac and wool, etc. These are not matters in respect of which Parliament can pass a law. Since the Warehousing Act is a Central Act the